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E.O. 12958: DECL: 11/12/2018  
TAGS: PREL PHUM UNSC BM  
SUBJECT: DEMARCHE REQUEST: REQUEST HIGH LEVEL UN  
STATEMENT, SYG BRIEFING REGARDING BURMA

REF: A. STATE 117767 (NOTAL)

Classified By: IO PDAS James Warlick for reasons 1.4 (b) and  
(d).

¶1. (U) This is an action request. Department requests USUN urge SYG Ban to inform the UNSC the Burmese regime has prohibited Ban from traveling to Rangoon, to stress the lack of progress on the release of political prisoners and the need to establish an inclusive dialogue, and to continue to condemn the regime's harsh sentences against close to 90 pro-democracy activists. Department also requests that USUN inform Ban that the United States does not see value in a return trip for Special Advisor Gambari to Burma at this time and approach the P-3 for their views on the prospects for success of an UNSC arms embargo resolution against Burma.

Objectives

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¶2. (S) USUN should pursue the following objectives:

-- Urge SYG Ban to brief the UNSC and the SYG's Group of Friends on Burma that the regime has prohibited Ban from travel to Rangoon. We suggest Ban make public the UN's latest thinking and interactions with the regime about a possible SYG visit to Burma and his assessment of the efforts to fulfill the mandate of the Special Envoy. This briefing could then serve as the basis for follow-on action by the UNSC in the form of either a resolution or a strong Presidential Statement. Such a meeting could occur following the UNGA Third Committee consideration of the resolution on the human rights situation in Burma, expected on or about November 20.

-- Urge SYG Ban personally to stress the lack of progress on the release of political prisoners and the need to establish an inclusive dialogue, and continue to condemn the recent harsh sentencing of more than 50 pro-democracy activists since November 7.

-- Explain that the U.S. regards an UNSC arms embargo resolution against Burma as an appropriate response.

Reporting Deadline

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¶3. (SBU) Reporting deadline: USUN should report the results of this demarche no later than Wednesday, November 26, via cable.

Background

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¶4. (S) Background for Mission use only: In October, SYG Ban agreed, at USUN's urging, to refrain from traveling to Burma until he could be assured his trip would produce concrete progress. Upon his return from a secret planning

trip for a potential Ban visit to Rangoon, Ban's Chief of Staff, Vijay Nambiar, indicated the regime will not permit a Ban visit. The regime will attempt to engage the new U.S. administration, and not the UN. Ban told Ambassador Khalilizad he would raise the issue of his travel with the Prime Minister at the upcoming ASEAN Summit.

¶15. (SBU) We are also concerned about the complete lack of progress the Burmese regime has made in fulfilling the conditions of the mandate of the Special Envoy and the issues raised in the October 2007 PRST, namely, the release of all political prisoners and engaging in a genuine, time-bound political dialogue.

¶16. (C) This week, the Burmese regime's crackdown on pro-democracy activists has escalated to a point not seen since last year's Saffron Revolution. Since November 7, the regime has sentenced at least 86 prominent opposition activists to prison terms ranging up to 65 years. Most of the activists had no legal counsel at their sentencing. Some who protested lack of due process were cited for contempt. The regime has denied requests by family members to visit the prisoners following their convictions. Over 2,000 pro-democracy activists are currently in custody, many sentenced to long prison terms.

¶17. (C) The most recent convictions were for associating with organizations not approved by the regime, printing or publishing materials without regime approval, creating or duplicating videos without permission, making statements that "may cause public alarm," and other violations of Burma's repressive laws. Those convicted include a blogger, a labor activist, a poet and other well-known pro-democracy activists, including leaders of the "88 Generation" group. Several of those sentenced were clients of two lawyers who themselves were recently sentenced to four months detention for arguing that their clients were not receiving due process.

¶18. (C) These arrests appear designed to head off demonstrations protesting preparations for the 2010 elections, similar to the protests seen during the 2007 Saffron Revolution.

¶19. (U) On November 12, Spokesperson for SYG Ban released the following statement on Burma: "The Secretary-General is deeply concerned by recent reports of sentences and severe prison terms imposed in connection with the peaceful demonstrations of last year in Myanmar. He calls once again for all political prisoners to be released and for all citizens of Myanmar to be allowed to freely participate in their country's political future as part of an inclusive national reconciliation process."

¶10. (C) In light of the Burmese regime's current posture, the USG does not see value in a return trip by Special Envoy Gambari. The regime has already said it does not intend to cooperate with the United Nations, and we can expect that a visit by him at this time would be useless or possibly counterproductive.

¶11. (S/REL TO UN) Mission should draw on the following points in speaking with SYG Ban:

-- We understand during Chief of Staff Vijay Nambiar's recent trip to Rangoon, the Burmese regime informed Nambiar that they would not welcome your visit and would only engage the new U.S administration. We think this development is sufficiently important that you should brief the UNSC and the Group of Friends on Burma, making clear the Burmese have said they will not engage with you or (?) the UN. We suggest that you personally and publicly reaffirm that you have no intention to visit Rangoon until the regime makes clear it is serious about engaging the UN and takes the steps the UN has insisted upon.

-- We also suggest you brief the UNSC and the Group of

Friends on the regime's utter failure to fulfill the conditions of the mandate of the Special Envoy and the issues raised in the UNSC's October 2007 PRST, specifically the release of all political prisoners and the establishment of a genuine and time-bound political dialogue.

-- Moreover, in the past several days we have witnessed the largest crackdown on peaceful democracy activists since the September protests last year. We note with great alarm the sentencing of at least 59 prominent opposition activists for their simple exercise of the universally recognized rights of free association and free expression. We appreciate your statement of "deep concern" about the sentencing of these activists and your call for the release of political prisoners and all citizens of Burma to participate freely in the reconciliation process. We urge you and other UN officials to continue to highlight the regime's recent actions.

**¶12. (S/REL TO GBR AND FRANCE) Points for use with P-3:**

-- In the past several days we have witnessed a rapid increase of repression against peaceful democracy advocates in Burma and note with great alarm the sentencing of more than 50 prominent opposition activists for their simple exercise of the universally recognized rights of free association and free expression. We know you share our concern. The UNSC cannot remain silent on this most recent crackdown.

-- We are concerned about the regime's complete failure to fulfill the conditions of the mandate of the Special Envoy and address the issues raised in the October 2007 PRST, namely the release of all political prisoners and engaging in a genuine, time-bound political dialogue. With the regime's rejection of the SYG's good offices mission, it now appears we must consider a new tactic.

-- The regime's control over the Burmese people is dependent on its ability to use oppressive force. The most direct method of beginning to counter the regime's agenda would be to impose a UNSC arms embargo resolution against Burma. The U.S views this as a high priority and key to mitigating the regime's use of force.

-- We ask for your views on the prospects for success of such a resolution.

-- [In the event both France and the UK rule out an arms embargo resolution] The U.S. thinks positive UNSC action remains important and would look to your support for a strongly worded condemnatory resolution or PRST expressing concern about the recent harsh prison sentences handed down by the regime to democracy activists, and reiterating the need for the immediate release of all political prisoners, including Aung San Sui Kyi, and concrete steps to begin a time-bound political dialogue with pro-democracy and ethnic minority leaders, with the goal of transitioning to democratic governance.

**¶13. (U) Point of Contact: Post should contact IO/UNP Lesley Blancas, (202) 736-7004, BlancasLX@State.gov with questions or concerns.**

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